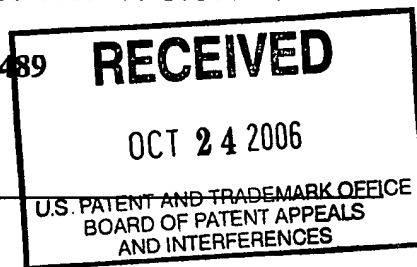


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:) Examiner: Saoud, Christine J.
)
Avi ASHKENAZI, *et al.*) Art Unit: 1647
)
Application Serial No. 09/904,485) Confirmation No: 8938
)
Filed: July 13, 2001) Attorney's Docket No. 39780-1618 P2C7
)
For: **SECRETED AND**) Customer No. 35489
TRANSMEMBRANE)
POLYPEPTIDES AND NUCLEIC)
ACIDS ENCODING SAME)



VIA FACSIMILE

DATE: October 24, 2006

ON APPEAL TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**REQUEST TO WITHDRAW APPEAL BY APPELLANTS****MAIL STOP APPEAL BRIEF - PATENTS**

Commissioner for Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

Dear Sir:


On October 1, 2004, the Examiner made a final rejection to pending Claims 39-46 and 49-51. A Notice of Appeal was filed on January 5, 2005, and an Appeal Brief was filed on August 5, 2005. An Examiner's Answer was mailed on November 10, 2005, and Appellants' Reply Brief was filed on January 10, 2006. A Notification of Non-Compliant Appeal Brief was mailed March 28, 2006, and Appellants' amended Brief was filed April 28, 2006.

Appellants hereby request that the appeal be withdrawn, and that the above-identified application be expressly withdrawn as of the filing date of this paper.

I am the attorney or agent of record.

Respectfully submitted,

Date: October 24, 2006

By: 
Barrie Greene (Reg. No. 46,740)

HELLER EHRMAN LLP
275 Middlefield Road
Menlo Park, California 94025-3506
Telephone: (650) 324-7000
Facsimile: (650) 324-0638

SV 2238487 v1
10/24/06 3:02 PM (39780,1618)

39780-1618-007. US

RECEIVED**OCT 23 2006**CENTRAL DOCKET
HELLER EHRMAN

UNITED STATES PATENT AND TRADEMARK OFFICE

Board of Patent Appeals and Interferences

MAILED**OCT 04 2006**U.S. PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES**RECEIVED****OCT 24 2006**U.S. PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCESKNOBBE, MARTENS, OLSON &
BEAR, LLP
2040 MAIN STREET
IRVINE, CA 92614

Appeal No: 2006-2639
 Appellant: Avi Ashkenazi et al.
 Application No: 09/904,485
 Hearing Room: A
 Hearing Docket: A
 Hearing Date: Tuesday, November 14, 2006
 Hearing Time: 09:00 AM
 Location: Madison Building - East Wing
 600 Dulany Street, 9th Floor
 Alexandria, Virginia 22313-1450

**NOTICE OF HEARING
CONFIRMATION REQUIRED WITHIN TWENTY-ONE DAYS**

Your attention is directed to 37 CFR § 41.47. The above identified appeal will be heard by the Board of Patent Appeals and Interferences on the date indicated. Hearings will commence at the time set and as soon as the argument in one appeal is concluded, the succeeding appeal will be taken up. The time allowed for argument is twenty minutes unless additional time is requested and permitted before the argument is commenced. If there are any inquiries, please contact the Clerk of the Board at 571-272-9797.

The application involved in this appeal has been published. Accordingly, the hearing in this appeal is open to the public.

CONFIRMATION OR WAIVER OF THE HEARING IS REQUIRED. This form must be completed below and facsimile transmitted to both: (1) the USPTO Central fax number (official copy), and (2) the Board of Patent Appeals and Interferences fax number (courtesy copy) within TWENTY-ONE (21) DAYS from the mailing date of this notice indicating confirmation or waiver of the hearing. A copy of this notice may be alternately filed by mail if facsimile is not available.

BPAI HEARINGS FAX No: (571) 273-0299

USPTO Central Fax No: (571) 273-8300

BPAI Mailing Address:

Board of Patent Appeals and Interferences
 United States Patent and Trademark Office
 P.O. BOX 1450
 Alexandria, Virginia 22313-1450

In all communications relating to this appeal, please identify the appeal by its number.

CHECK ONE: () HEARING ATTENDANCE CONFIRMED (X) HEARING ATTENDANCE WAIVED

Bai Bai
Signature of Attorney/Agent/Appellant

10/24/06
Date

46,740
Registration No.

Names of other visitors expected to accompany counsel:

For information on visitor access to hearing rooms and security procedures at the USPTO Alexandria Campus, see
http://www.uspto.gov/web/offices/dcom/counsel/contact.html#mail_contacts

DOCKETED 10/23/06
 RESPONSE TO NOTICE
 OF HEARING
 FINAL - 10/25/06

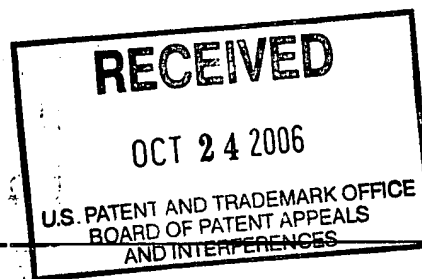
HellerEhrman LLP

275 Middlefield Road
Menlo Park, CA 94025-3506
Main +1.650.324.7000
Fax +1.650.324.0638

Facsimile Transmittal

To: BPAI Hearings Fax; USPTO Central Fax No
Telephone: 571-272-9797
Fax: 571-273-0299
571-272-8300

From: Barrie Greene
Telephone: 650 324 7131
Direct Fax: 650 324 6009
No. of Pages: 4 (including cover)
Date: October 24, 2006

**Message:**

Re: Appeal for: Appeal No. 2006-2549
U.S. Application No. 09/904,485
Title: SECRETED AND TRANSMEMBRANE POLYPEPTIDES
AND NUCLEIC ACIDS ENCODING SAME
Filed: July 13, 2001
Inventors: Avi ASHKENAZI et al.
Attorney Docket No. 39780-1618 P2C7

Attached is a completed Notice of Hearing confirmation form, along with a **Request to Withdraw an Appeal**, and to expressly abandon the above-identified application.

Please let me know if you need any further information or assistance in this matter.

Yours truly,

A handwritten signature in dark ink, appearing to be "B. Greene".

Barrie Greene

SV 2240984 v1
10/24/06 1:53 PM (39780.1618)

The information contained in this communication is intended only for the use of the addressee and may be confidential, may be attorney-client privileged and may constitute inside information. Unauthorized use, disclosure or copying is strictly prohibited, and may be unlawful. If you have received this communication in error or you have not received all pages, please call the sender immediately at +1.650.324.7000.